

PRESCOTT CITY COUNCIL  
REGULAR COUNCIL MEETING  
PRESCOTT, ARIZONA  
JANUARY 23, 2007

A REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, JANUARY 23, 2007, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. and asked Councilman Bell to lead the Pledge of Allegiance.

Mayor Simmons asked Deputy City Clerk Judy Carson to call the roll, which was as follows:

Present:

Mayor Simmons  
Councilman Bell  
Councilman Blair  
Councilman Lamerson  
Councilman Luzius  
Councilman Roecker  
Councilwoman Suttles

Absent:

None

**SUMMARY OF CURRENT OR RECENT EVENTS**

Manager Norwood announced his daughter had won the Lincoln Elementary Spelling Bee and had competed against the fourth and fifth graders.

**I. PRESENTATIONS**

A. Introduction of New Businesses.

1. Casa Alvarez, 810 White Spar Road
2. Batterman's Auction, 418 N. Mt. Vernon Avenue
3. AAXA Discount Mortgage, 141 S. McCormick #103
4. Aerospace Lock, 333 W. Leroux, #A1

**II. CONSENT AGENDA**

Mayor Simmons announced Item C had been removed from the Consent Agenda.

Councilman Luzius MOVED to ADOPT the Consent Agenda, Items II-A through II-H, excluding Item C, which was SECONDED by Councilman Roecker. The motion passed unanimously.

- A. Authorization of payment to SirsiDynix for maintenance costs associated with the automated library system operated by the City on behalf of the Yavapai Library Network in the amount of \$74,222.00.
- B. Adoption of Resolution No. 3797 – A resolution of the Mayor and Council of the City of Prescott to enter into a Second Addendum to Intergovernmental Agreement #02-021 between the City of Prescott and the Yavapai Prescott {Indian} Tribe providing for certain fire protection and emergency medical services and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- D. Adoption on Resolution No. 3798 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the General Plan Land Use Map and the Airport Specific Area Plan (ASAP) Land Use Map pertaining to that certain property located in the vicinity of the Phippen Museum on the east side of Highway 89 described as Parcel No. 106-01-003S consisting of approximately 109-91 acres, from Commercial/Employment on the northerly parcel, Commercial/Recreational on the southerly area, and Recreation/Open Space on the easterly portion of the property to Mixed Use and to amend the ASAP Land Use Map pertaining thereto. (GP06-002)
- E. Prescott Executive Airpark:
  - 1. Adoption of Ordinance No. 4574 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending the zoning of certain property within the City of Prescott located to the north and adjacent to the Prescott Municipal Airport and described as APN Parcel Nos. 102-02-002 and 102-02-003 from RE-2 to Industrial Light Zoning. (RZ06-008/Prescott Airport Development/CVID Investments)
  - 2. Approval of preliminary plat for Prescott Executive Airpark for 57 lots on approximately 61.43 acres, Applicant is Ty Myers, APN 102-02-001E, 002 and 003. (SP06-009)
- F. Mary Bienvenue Subdivision:
  - 1. Adoption of Ordinance No. 4575 - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending the zoning of certain property within the City of Prescott located

- along Tamarack Lane in the area of Prescott Highlands, and described in APN 105-03-002P in the City of Prescott. (RZ06-007)
2. Approval of preliminary plat for the Mary Bienvenue Subdivision, 19 lots ranging in size from 18,260 square feet to 26,258 square feet, SP06-007, with the condition that the final plat is to be reviewed by the Planning and Zoning Commission.
  3. Approval of Water Service Agreement with Mary Bienvenue for 6.65 acre feet of water annually for Mary Bienvenue Subdivision.
- G. Approval of replat to split one residential lot within the Country Park Estates subdivision into two lots, and adding approximately 2.8 acres to the subdivision, located west of Highlander Place, APN 116-02-006A, Owner/Agent is Denise Johnson. (RE06-041)
- H. Approval of Minutes of the Prescott City Council Joint Study Session/Regular Voting Meeting of January 9, 2007 and the Prescott City Council Study Session of January 16, 2007.

Mayor Simmons presented Item C for discussion.

- C. Adoption of Ordinance No. 4573** – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending the zoning of certain property within the City of Prescott located at the corner of Willow Creek Road and Pulliam Drive, described as Lot 1, Oak Knoll Second Subdivision, APN No. 116-15-011A from SF-9 to Residential Office (RO). (RZ06-006/Will Hepburn)

CouncilmanLuzius remarked he had mentioned at a previous meeting he would like to have street improvements made to Pulliam Drive. He had suggested the applicant give the City some property to allow the improvements as the roadway narrowed as it neared the Willow Creek Road intersection, and there were other safety issues. He had received letters from homeowners in the area expressing their safety concerns and he wondered if Public Works was going to look at the street.

Engineering Services Director Mark Nietupski responded Pulliam Drive would be put on the 2008 project list and staff would look at the conditions of the road as well look at the drainage and what needed to be done. It might require some right-of-way but that wasn't known at this time; the design would be budgeted for 2008. He said he did not see any problems with Council approving the rezoning today.

Councilwoman Suttles MOVED to ADOPT Ordinance No. 4573, which was SECONDED by Councilman Bell. The motion carried unanimously.

### III. REGULAR AGENDA

#### A. Boulders Office Park:

1. **Public hearing and adoption of Ordinance No. 4572** – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending the zoning of certain property within the City of Prescott located at 1455 Willow Creek Road, and described as APN Parcel No. 116-17-270B from SF-9 to Neighborhood Oriented Business. (RZ05-013)
2. **Approval of preliminary plat for the Boulders Office Park**, APN 116-17-270B, platting 2.3 acres for development of a medical office complex, Owner is First Assembly of God Church, SP05-019.

Mayor Simmons read a letter from the church requesting these items be continued to the March 13, 2007 Council meeting to allow them time to explore their options.

Councilman Blair MOVED to CONTINUE consideration of the preliminary plat for the Boulders Office Park to the March 13, 2007 City Council meeting at 3:00 p.m., which was SECONDED by Councilman Lamerson. The motion passed unanimously.

Mayor Simmons noted the Public Hearing and Ordinance also needed to be continued to March 13.

Councilman Blair MOVED to AMEND the motion to include continuing the public hearing and consideration of Ordinance No. 4572 to the March 13, 2007 City Council meeting at 3:00 p.m., which was SECONDED by Councilman Lamerson. The motion passed unanimously.

Councilwoman Suttles mentioned Councilman Roecker would be on vacation that Tuesday and Attorney Kidd advised Council the items could be continued to another meeting.

Councilman Roecker said he would be able to attend the meeting on the 13<sup>th</sup> if these items were going to be considered.

Mayor Simmons said there wouldn't be a vote if there wasn't a full Council as a super-majority vote was required due to the neighborhood protests.

Sarah Twombly, 727 Prescott Heights Drive, informed Council the week of March 13 was Spring Break for the Prescott schools and interested residents might not be able to attend the Council meeting. She asked if these items could be continued to March 27.

Manager Steve Norwood mentioned the March 27<sup>th</sup> meeting was a voting meeting and it might be better to continue it to March 20 and 27.

Councilman Blair MOVED to AMEND the motion to continue the items to March 20 and 27, 2007 at 3:00 P.M., which was SECONDED by Councilman Lamerson. The motion passed unanimously.

**B. Approval of Contract I and II with Mohave Educational Services Cooperative in an amount not to exceed \$1,289,018.00 for the transfer station expansion project.**

Assistant to the Manager Laurie Hadley said she had no new information to present to Council regarding these two job order contracts; the project manager Ron Miller and a representative from Centennial Contractors were in attendance if Council had any questions.

Councilwoman Suttles asked if Councilman Bell could explain his concerns about these contracts. Councilman Bell explained he was in support of the project, but he was concerned about the contracting process and he thought it needed to be a more transparent process. There were three levels of bureaucracy with all of them taking money from the City of Prescott. He said his company received a Master Agreement from Centennial and his attorneys cautioned him regarding contents of that agreement and they couldn't bid on the project because of that. He would like to have the job order contracting method investigated in more depth.

Mayor Simmons commented someone from staff contacted the company and others that had used this type of contract and they were comfortable with it. Ms. Hadley added they had contacted four or five companies and all were satisfied with their projects.

Mayor Simmons remarked he would like to see Prescott, Prescott Valley and Chino Valley form their own procurement authority.

Manager Norwood said the job order contracting was different than the design, bid and build method but it was an approved method by State law and the City had used it successfully several times.

Councilwoman Suttles remarked there was a tendency to have change orders on most construction projects; the City had tried to get better bids on Iron Springs Road and each time they came in higher. She asked if Centennial had done other work in Prescott and Engineering Services Director Nietupski responded Centennial Contractors had done about \$1 million worth of work in Prescott through job order contracts and there had

been no change orders on any of the projects. He said that job order contracting was a very viable option.

Councilwoman Suttles asked if the reason there were two contracts was to keep them under a certain amount. Ms. Hadley clarified it started as one project and then staff realized the Federal Government required a Storm Water Pollution Prevention Plan needed to be done. She said they decided to include the Fire Training Center property in the same SWPPP as it would be required when that project was funded and Fire would reimburse the Transfer Station for their share of the plan at a future time. The first contract would include concrete work for the building expansion, push walls, a 3,000 square foot pre-engineered metal building, a new fire sprinkler system and a three phase electrical system. The second contract would include grading and drainage work associated with the SWPPP, new headwall and spillways, storm interceptors, and reconstruction of the haul road and parking lot.

Councilman Blair remarked there would probably be change orders with the Iron Springs Road project because of the underground work needed so Councilwoman Suttles should be prepared to see them and he would support those changes when they came to Council for approval. He was concerned with Mohave Educational Services Coop awarding the bid to Centennial Contractors and leaving out local contractors in the process and he would vote no on all job sourcing projects unless the City of Prescott looked into forming a similar service. Engineering Services Director Nietupski said staff was looking into that.

Councilman Lamerson asked if the contracts included requirements that contractors and subcontractors comply in hiring only legal residents and Attorney Kidd replied Mohave was a broker who contracted with contractors who in turn subcontracted the project, and all had to comply with immigration laws.

Councilman Roecker remarked he would be voting to approve these two contracts.

Councilman Bell added the project was not competitively bid and circumvented the competitive bid process.

Councilman Luzius thought if a procurement service cooperative was started in the tri-city area it would mean another employee and fringe benefits; Mohave received 1% which would be approximately \$13,000 and they couldn't hire an employee for that amount and the price was public now.

Dave Nixon of Centennial Contractors said they were putting together a meeting for all local subcontractors and the small start-up businesses were the ones that benefited because Centennial could post the necessary bonds for the project. Centennial had never been taken to court on any of their projects and there would be a conference on job order contracting in Flagstaff on January 29 and thought the Council might be interested in attending to learn more about the process.

Mr. Nixon addressed Councilman Bell's questions saying the Master Agreement was a boilerplate contract and was not necessarily pertinent to each project or job specific and after they developed the scope of work they sat down with their subcontractors and explained what was involved in that particular project.

Councilman Bell MOVED to APPROVE Contract I and II with Mohave Educational Services Cooperative in an amount not to exceed \$1,289,018.00 for the transfer station expansion project, which was SECONDED by Councilman Roecker. The motion passed 6-1 with Councilman Bell casting a NAY vote.

#### **IV. ADJOURNMENT**

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 3:50 P.M.

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ROWLE P. SIMMONS, Mayor

ATTEST:

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ELIZABETH A. BURKE, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Voting Meeting of the City Council of the City of Prescott, Arizona held on the 23rd day of January, 2007. I further certify the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2007.

AFFIX  
CITY SEAL

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ELIZABETH A. BURKE, City Clerk